



NORWICH
City Council

NOTICE OF DETERMINATION

Date of Hearing: 8th September 2017

Licence Type: Application for the Grant of a Sexual Entertainment Venue Licence

Name of Applicant: Code Red Promotions Ltd

Name of Premises/Postal address of Premises: Lace – 75 Prince of Wales Road,
Norwich, NR1 1DG

Persons present: Members of Committee Councillors Button (chair), Woollard (vice chair following election), Bradford, Jones (B), Jones (T), Malik, Maxwell, Price, Raby, Thomas (Va) and Wright, Ms Sarah LeFevre; counsel for the applicant, Ms Nicky Cockrill; Operations Manager for Lace, Mr Steve Strange; Manager for Lace, Ms Lesley Grahame; Councillor, Mr Matthew Phipps; Solicitor for Platinum & Lace, Les Pierce; Applicant for Platinum & Lace, Mr Andrew Sinclair; Press, Mr Tony Grover; Bar 52 representative, Mr Gavin Tempest; representative for Sugar & Spice, Mr D Crawford; Applicant for Sugar & Spice, Mr Simon Goodings; Applicant for Sugar & Spice, Lisa Dunn of Platinum Lace, Mr Anthony Shearman; Environmental Protection, Licensing and Markets Manager, Mr D Lowens; Clerk, Alex Hand senior committee officer.

The committee agreed to receive late representations. There were no declarations of interest save from Cllr Price.

SUMMARY NOTES OF HEARING:

Mr Shearman presented the report.

Counsel for Lace, Ms Sara LeFevre, addressed committee regarding the application. Counsel mentioned that the activity is perfectly lawful and appropriate in this location, and that morals were irrelevant to the committee's determination. Counsel suggested that, generally, sexual entertainment venues (SEVs) do not give rise to issues of crime and disorder, and this is a view shared, she said, by the Norfolk Constabulary. Counsel suggested this was also a view shared by police in the London Borough of Camden. The reason for the lack of connection between SEV's and crime and disorder was that the business model was not driven by encouraging drinking to excess or loud music. Visitors to the premises would leave calm, sober and controlled. The premises operates with a small number of customers and there is a high proportion of staff to customers, and lots of supervision via CCTV. The safety of performers was given high priority and the applicant knew of no case where performer safety had been threatened. The

premises were subject to regular inspections when a SEV regime was in place, premises were subject to extensive conditions and an annual review of the license. For all these reasons, counsel suggested that SEV premises were atypical and Lace exhibited all these characteristics. The premises were well established, being at the current site for ten years trading to date, and had an excellent working relationship with the police. No representations had been received from local businesses.

The applicant mentioned that, on average, there would be eighteen visitors in the premises and an average throughput of 55 customers. 35 CCTV cameras were covering the premises. Managers were equipped with ipads and could, via these devices, keep an eye on matters shown on CCTV cameras at all times. Three SIA registered staff were available at any one time, and, should an incident occur, the premises can call upon SIA staff at the premises beneath and opposite, in Prince of Wales Road. There were, in total, 9/10 door staff and other staff present, thus being a one to two ratio with customers. The premises were typical with similar well-run SEVs and were not associated with crime. Dancers had a panic button available, but the applicant noted this had never been operated.

The applicant described the visibility of the premises from the street, noting that, behind the door, there was an anonymous entrance lobby with stairs leading upwards. There was no visibility of relevant entertainment and it was a very easy entrance to control and manage.

The applicant suggested, in respect of the proposed standard conditions, that condition 20 was not necessary if it required a dedicated member of staff to be employed to check CCTV, the managers already carrying out this option and supervising. The applicant suggested the condition was unnecessary and disproportionate, as the problem was already solved. In respect of conditions 38 and 39, these are designed to avoid visibility of the relevant entertainment from the street, and the circumstances cannot pertain to these premises due to their layout. The spirit and intent of the conditions were already achieved by the layout of the premises and the proposed conditions were unnecessary.

In respect of condition 54(1), the applicant suggested that 'against the back of the booth or seat' should be deleted, as not all booths had a back.

The applicant suggested that these minor departures were safe, due to the premises having operated like this for many years.

The applicant had no concerns regarding the remaining conditions.

The applicant was questioned regarding the reference to 'bedroom' on the plans and said these should be removed from the plans. This was a booth area. The applicant, in response to a question as to operating hours, stated these were Thursday to Saturday, 21:00 to 04:00 hours but the application was for 24/7, as flexibility was sought, and it was noted the current licence under the Licensing Act 2003, was a 24 hour licence.

In response to a question regarding advertising, the environmental protection, licensing and markets manager confirmed that the advertisement was not placed on



the Council's website, as there was no statutory obligation to do so. The Licensing Act 2003 matters were advertised, as there was a duty to keep a public register of those applications.

The applicant responded regarding the level of training being 2/3 days, mentioned there was a minimum of 8 dancers and 150 persons were permitted by fire regulations. In response to a question from a councillor suggesting a dedicated person needed to check the CCTV, the applicant noted that the CCTV viewing was already in the hands of those empowered to respond immediately to a problem and it was thought to be the best operational way of responding to issues that might arise. Managers were constantly reviewing the licensed area, walking the floor. The applicant disputed with the councillor that the best response would be from a dedicated person checking CCTV systems only.

Regarding equality, the applicant noted the premises were open to all members of the public. Male dancers could be employed but this issue had never been raised.

The applicant confirmed that no safety issues for the performers had arisen and, in response to a concern from a councillor, relating to a possible underage person accessing the premises, the applicant noted that at any time the premises were operational, the door would be guarded, and when not operational, the door would be closed, and is lockable.

Photographs of the interior of the premises (not taken during trading hours) were produced and distributed to committee.

The applicant noted the locality of Prince of Wales Rd was a busy commercial road with a lot of licensed premises contained on it. Reference was made to the fact that the Norwich City Council policy has not adopted an appropriate number of SEV's, that is the context in which the applicant makes the application, by comparison to other councils which had adopted a policy of nil before determining any application. The applicant also noted the premises were long-established in the area, was trading successfully for many years, and the application was, in summary, to permit what was already being done. Committee was invited to grant the application with minor amendments.

(The committee heard other SEV applications before determining the application in respect of 75 Prince Of Wales Road, Norwich).

DECISION OF AND REASONS OF COMMITTEE

The licence for a sexual entertainment venue was granted, and the following amendments were made to the standard conditions.

- 1) The words 'by a dedicated member of staff or security personnel' is deleted from Condition 20
- 2) Conditions 38 and 39 are deleted
- 3) Condition 54(1) is amended to insert 'where reasonably practicable' after 'upright position'

- 4) Condition 10 was amended as follows, committee noting that other SEV premises in Prince of Wales Road had been treated similarly:

it was agreed that the following words would appear 'apart from promotional flyers for the premises, which shall not include the following;

- a) Any depiction of full nudity
- b) Any depiction of partial nudity (including the display of breasts, buttocks or genitalia)
- c) Any description of sexual or violent images, or any other images which may give rise to concerns in respect of public decency or protection of children or vulnerable persons from harm.

Committee imposed a condition that promotional flyers may only be distributed during the hours the premises are acting as a sexual entertainment venue, and may only be distributed in Prince Of Wales Road, Norwich.

Committee also inserted a new condition, namely that 'the premises shall not be open for sexual entertainment venue business between close of business and 18:00 hours on any day'. The reason for this imposition was to avoid any possible conflict between customers of the premises and persons attending the local school.

Committee considered the appropriate locality and its character. The committee was of the view that the relevant locality was the late-night activity zone and the character of that locality was predominantly retail and leisure uses.

Committee noted that the premises were long-standing, appeared well-run with satisfactory policies and that the police had made no representation regarding the application, and it was accepted that the police had no objections to the proposal, nor to the way the premises had been run. The committee reviewed the grounds under paragraph 12 of schedule 3 of the Act and that a decision to refuse a licence must be relevant to one or more of those grounds. The committee after considering these, felt that, on the evidence provided, no reason to refuse the application had been made out. The committee noted that the licensing policy of Norwich City Council did not contain a stated number of SEV establishments for this locality. The committee considered Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, the Home Office guidance and its own statement of policy.

RIGHTS OF APPEAL – The applicant has a right of appeal in respect of the decisions of committee, to be exercised within 21 days of being advised of the decision appealed against. The right of appeal is at first instance to the Magistrates' Court.

Dated this... 30th November 2017

Signed. *Sutton* Chair

